

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON

EARL M. HOOVER, III, *et al.*,

Plaintiff,

v.

Case No. 2:18-cv-01335

SOUTH CENTRAL REGIONAL JAIL

Defendant.

MEMORANDUM OPINION AND ORDER

The Complaint herein, which concerns various conditions of confinement at the South Central Regional Jail (“SCRJ”), names Earl M. Hoover, III, and six other inmates as plaintiffs. However, only Hoover filed an Application to Proceed Without Prepayment of Fees and Costs (ECF No. 1). Hoover is not an attorney and cannot represent the interests of the other inmates in this matter. *See Fowler v. Lee*, 18 F. App’x 164, 165 (4th Cir. 2001) (“it is plain error for a pro se inmate to represent other inmates”).

Furthermore, while the United States Court of Appeals for the Fourth Circuit has not explicitly ruled that multiple prisoners may not join together as plaintiffs in a single section 1983 action, a number of other courts have determined that the Prison Litigation Reform Act (“PLRA”) prohibits such joinder. *See, e.g., Hubbard v. Haley*, 262 F.3d 1194, 1198 (11th Cir. 2001) (the PLRA requirement of a separate filing fee for each prisoner prevents prisoners from joining claims under Rule 20 of the Federal Rules of Civil Procedure); *Griffin v. Nettles*, No. 4:18-cv-02469-RBH-TER, 2018 WL 4701293 (D.S.C. Nov. 22, 2013) (collecting cases); *Galeas v. United States*, No. 5:14-cv-3225-F, 2015 WL

1433547, at *1 (E.D.N.C. Mar. 27, 2015); *Fleming v. Francis*, No. 5:13-cv-21991, 2014 WL 2589755, at *1 n.1 (S.D.W. Va. June 10, 2014) (“The undersigned finds that multiple prisoner plaintiffs may not proceed in forma pauperis in the same civil action.”).

Moreover, each inmate’s claims will require individualized determinations; thus, joinder is not appropriate herein. Accordingly, to the extent that the inmates, other than Hoover, may wish to pursue such claims *pro se*, they must file their own separate civil action, which will be evaluated individually under 28 U.S.C. §§ 1915A and 1915(e)(2)(B), as appropriate.

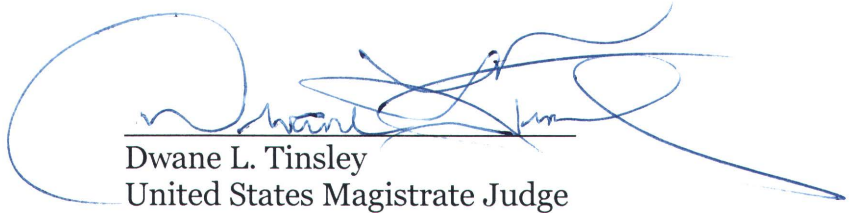
Therefore, it is hereby **ORDERED** that the instant civil action, Case No. 2:18-cv-01335, shall pertain only to Earl M. Hoover, III. The Clerk is directed to open a new civil action for each of the following plaintiffs, listing the South Central Regional Jail as the defendant:

1. Joseph Lobuts, III
2. Jeremy Camp
3. William C. Sharp
4. James D. Gravely
5. Dorian Straughter
6. Harry Johnson

Once the new civil actions are opened, these six inmates shall be terminated as plaintiffs in Case No. 2:18-cv-01335. In each newly-opened civil action, this Memorandum Opinion and Order shall be docketed, followed by the Complaint filed herein, and the Standing Order in Re Assignment of Magistrate Judges. Upon the opening and docketing of the new cases, the undersigned will conduct a preliminary review of each case.

The Clerk shall mail a copy of this Order to Earl M. Hoover, III, at the following address: **Earl M. Hoover, III, 604 Russell Street, Charleston, WV 25301**. The Clerk is further directed to mail a copy of this Memorandum Opinion and Order to each of the other plaintiffs at their last known address.

ENTER: April 30, 2019



Dwane L. Tinsley
United States Magistrate Judge